UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,118	12/30/2003	Michael D. O'Shea	32052-9567US	1747

25096   7590   04/21/2011
PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER
HENRY, RODNEY M

ART UNIT	PAPER NUMBER
3682	

NOTIFICATION DATE	DELIVERY MODE
04/21/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentprocurement@perkinscoie.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
 Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 February 2011</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-73</u> is/are pending in the application.

    4a) Of the above claim(s) <u>5,8,13-21,23,25,34,37-65 and 69</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-4, 6, 7, 9-12, 22, 24, 26-33, 35, 36, 66-68, and 70-73</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   The following is a final office action on the merits. The Examiner acknowledges

communications dated 2/14/2011 where Claim 68 was amended. Claims 5, 8, 13-21,

23, 25, 34, and 37-65, and 69 were previously canceled. Therefore, claims 1-4, 6, 7, 9-

12, 22, 24, 26-33, 35, 36, 66-68, and 70-73 are currently pending and are considered

below.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1-4, 6, 7, 9, 11, 12, 27-31, 36, 66, and 67 are rejected under 35 U.S.C.**

103(a) as being unpatentable over Wodka et al. (US 2003/0171984), in view of

Quinlan et. al. (US 20040215514), and further in view of Postrel (US 20050021400).

        As per Claim 1:

Wodka et al. discloses an electronic rebate system configured for processing a

manufacturer's rebate that is provided to a purchase of a product, said system

comprising:

        at least one electronic tag device associated with products made available for

purchase, wherein each distinct product has at least one electronic tag physically

connected thereto, and

wherein said electronic tag stores product-identification-information;

at least one electronic reading device configured to retrieve information from

said electronic tag ;

a first computer in communication with said electronic reading device configured

to retrieve said product-identification-information stored in the electronic tag associated

with a product being purchased by a customer at a point of sale and for which a

manufacturer's rebate applies solely as a result of purchase of the product (see

paragraphs [0017, 0021, 0035 discusses point of redemption (as in POS sale of a

product)], FIG. 5 and claims 9, and 11).

Wodka et al. does not explicitly disclose said first computer further configured to

use said product-identification-information to acquire rebate-claim-information so that

the customer may receive the manufacturer's rebate;

said first computer further configured to communicate with a second computer

and to transfer to said second computer said rebate-claim-information and wherein said

transfer occurs substantially contemporaneous with the purchase; and

wherein said second computer is configured to process and validate a rebate

claim with said rebate-claim-information, and transfer rebate-claim-status information to

said first computer, said first computer configured to communicate said rebate-claim-

status information to the customer, wherein said rebate-claim-status information is one

of real-time information or near real-time information.

However, Quinlan et. al. discloses

said first computer further configured to use said product-identification-information to acquire rebate-claim-information so that the customer may receive the manufacturer's rebate;

wherein said second computer is configured to process and validate a rebate claim with said rebate-claim-information, and transfer rebate-claim-status information to said first computer, said first computer configured to communicate said rebate-claim-status information to the customer (see FIG. 3 and paragraph [0016] via validate the rebate, see also FIG. 6 also further details of para. 16 discuss the first computer (POS) and the second computer (global network) effecting the rebate via the transaction serial number is recorded in a point-of-sale data processing and storage system and recorded on a receipt issued to the consumer. The rebate processing method comprises providing a designated site connected to a global computer information network and accessible by the consumer. A rebate claim is received on the designated site, the rebate claim comprising (i) at least one transaction serial number corresponding a qualified transaction, and (ii) identifying information corresponding to the consumer. .... the value of the rebate claim is transferred to the consumer. The designated site may be accessible to the consumer by a computer connected to the global computer information network

See also Quinlan para. 20 and 21 for real-time rebate crediting.. In another embodiment, the consumer may purchase the designated product using a designated card such as a credit card having a corresponding credit account, a debit card having a

corresponding bank or debit account, or a smart card having computerized data storage means. The designated card is sponsored by the retail network and has a card number. In such case, the fulfillment administrator receives in the electronic file transfer from the POS system at least one transaction data record comprising the designated card number and the corresponding transaction serial number for the qualified transaction. The fulfillment administrator (the global center) already has on file a stored data record comprising personal information about each consumer indexed by the designated card number, so the fulfillment administrator then associates the transaction data record with the corresponding stored data record for the designated card number. The stored data record is updated with the transaction serial number, and the remainder of the method remains the same, except that the cash value of the rebate claims may be credited to the consumer by crediting the corresponding credit account, the debit or bank account, or the smart card).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add rebate claim information, validation of rebates and rebate information transfer between computers to the system of Wodka et al. in order to effectively manage the incentive system.

Postrel further discloses

said first computer further configured to communicate with a second computer and to transfer to said second computer said rebate-claim-information and wherein said transfer occurs substantially contemporaneous with the purchase; a manufacturer's rebate applies solely as a result of purchase of the product; wherein said rebate-claim-

status information is one of real-time information or near real-time information (see

Postrel on real-time uploading and redemption of rebates via para. [0067] The smart

card may be utilized in a real-time interactive transaction between a user and a

merchant at the point of sale. When a user presents the smart card to the POS terminal

at the merchant, the terminal accesses the memory and/or firmware of the smart card

and can execute one or more of several types of real-time transactions. The POS

terminal may upload into the smart card memory one or more special offers, coupons

(and reward points) that are based on the current transaction. For example, if a user is

purchasing dog food, the POS terminal may upload dog food coupons to the smart card.

These coupons may be good for the next visit with the merchant, or they may optionally

instantly redeemable if desired. See also FIG. 4).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add computer further configured to communicate

with a second computer and to transfer to said second computer said rebate-claim-

information and wherein said transfer occurs substantially contemporaneous with the

purchase; a manufacturer's rebate applies solely as a result of purchase of the product;

wherein said rebate-claim-status information is one of real-time information or near real-

time information to the system of Wodka et al. in order to provide the customer with

real-time rebates at the time of purchase vs mail-ins.

As per claims 2, 28 Wodka et al. discloses the electronic tag

device is an RFID smart tag (see paragraph [0011]).

As per claims 3, 29 Wodka et al. discloses the electronic reading

device is an RFID STR device (see paragraphs [0026, 0027]).

As per claim 4,

Wodka et al. does not explicitly disclose a customer interface configured with

said first computer to receive and communicate said rebate-claim-status information to

the customer.

However, Litwin discloses a customer interface configured with said first

computer to receive and communicate said rebate-claim-status information to the

customer (see FIGS. 2, 5).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add a customer interface configured with said first

computer to receive and communicate said rebate-claim-status information to the

customer to the system of Wodka et al. in order to effectively manage the incentive

system.

As per claim 6, Wodka et al. discloses product-identification-information

comprises at least one member from the group consisting of: (a) <u>product model number</u>;

(b) <u>product serial number</u>; (c) rebate promotion code; (d) product name; (e) identification

code; (f) <u>proof-of-purchase code</u>; and (g) an electronic address (see paragraph [0028]).

As per claims 7, **33** Wodka does not explicitly disclose rebate-claim-information

comprises at least one member from the group consisting of:

(a) customer name; (b) customer's financial institution tracking number; (c) customer's

account number at customer's financial institution; (d) customer's mailing address;

(e) customer's e-mail address; (f) customer's phone number; (g) customer's credit card number; (h) customer's debit card number; (i) a pin code; (j) an authorization code; (k) customer's electronic signature; (l) product model number; (m) product serial number; (n) rebate promotion code; (o) product name; (p) an electronic address; (q) proof-of-purchase code; (r) date of purchase; (s) time of purchase; (t)product identification code; (u) product information; (v) retailer name; (w) retailer location; (x) retailer identification code; and (y) transaction code.

However, Postrel discloses rebate claim information comprises at least one member from the group consisting of:

(a) customer name; (b) customer's financial institution tracking number; (c) customer's account number at customer's financial institution; (d) customer's mailing address; (e) customer's e-mail address; (f) customer's phone number; (g) <u>customer's credit card number</u>; (h) <u>customer's debit card number</u>; (i) a pin code; (j) an authorization code; (k) customer's electronic signature; (l) product model number; (m) product serial number; (n) rebate promotion code; (o) product name; (p) an electronic address; (q) proof-of-purchase code; (r) date of purchase; (s) time of purchase; (t)product identification code; (u) product information; (v) retailer name; (w) retailer location; (x) retailer identification code; and (y) transaction code (see Postrel via para. [0067] The smart card may be utilized in a real-time interactive transaction between a user and a merchant at the point of sale. When a user presents the smart card to the POS terminal at the merchant, the terminal accesses the memory and/or firmware of the smart card and can execute one or more of several types of real-time transactions. The POS terminal may upload into

the smart card memory one or more special offers, coupons (and reward points) that

are based on the current transaction. For example, if a user is purchasing dog food, the

POS terminal may upload dog food coupons to the smart card. These coupons may be

good for the next visit with the merchant, or they may optionally instantly redeemable if

desired).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add rebate claim consisting of accounts to the

system of Wodka et al. in order to allow for direct transfers to customers accounts.

As per claim 9, Wodka et al does not explicitly disclose

a first computer is further configured to generate at least one of (a) rebate status

documentation comprising at least part of said rebate status information wherein said

rebate status documentation is given to the customer at the point of sale and (b) a

receipt comprising at least part of said rebate status information wherein said receipt is

given to the customer at the point of sale.

However, Postrel discloses

a first computer is further configured to generate at least one of (a) rebate status

documentation comprising at least part of said rebate status information wherein said

rebate status documentation is given to the customer at the point of sale and (b) a

receipt comprising at least part of said rebate status information wherein said receipt is

given to the customer at the point of sale (see Postrel on real-time uploading and

redemption of rebates via para. [0067] The smart card may be utilized in a real-time

interactive transaction between a user and a merchant at the point of sale. When a

user presents the smart card to the POS terminal at the merchant, the terminal

accesses the memory and/or firmware of the smart card and can execute one or more

of several types of real-time transactions. The POS terminal may upload into the smart

card memory one or more special offers, coupons (and reward points) that are based on

the current transaction. For example, if a user is purchasing dog food, the POS terminal

may upload dog food coupons to the smart card. These coupons may be good for the

next visit with the merchant, or they may optionally instantly redeemable if desired).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add a first computer is further configured to

generate at least one of (a) rebate status documentation comprising at least part of said

rebate status information wherein said rebate status documentation is given to the

customer at the point of sale and (b) a receipt comprising at least part of said rebate

status information wherein said receipt is given to the customer at the point of sale to

the system of Wodka et al. in order to provide customers with a record of the rebate.

As per claims 11, **30** Wodka et al. discloses that a first computer is a

retailer central computer (see FIG. 4).

As per claims 12, 31 Wodka et al. does not explicitly disclose

said second computer is one of (a) a manufacturer central computer and (b) a rebate

processing center central computer.

However, Postrel discloses said second computer is one of (a) a manufacturer

central computer and (b) a rebate processing center central computer (FIGS. 4, 5).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add said second computer is one of (a) a

manufacturer central computer and (b) a rebate processing center central computer to

the system of Wodka et al. in order to effectively manage the incentive system.

As per Claim 27:

Wodka et al. discloses a method performed by a computer system having a

processor for electronically making a claim for a manufacturer's rebate that is provided

by a manufacturer upon purchase of a product, said method comprising:

receiving from an electronic reading device product-information stored in an

electronic tag physically connected with a purchased product at a point of sale of the

product, the product-information indicating product-identification-information;

acquiring rebate-claim-information for making a claim for the manufacturer's

rebate available to a customer solely for purchase of the product using at least part of

said product- identification-information (see paragraphs [0017, 0021, 0029], FIG. 5 and

claims 9, and 11).

Wodka et al. does not explicitly disclose initiating a data transfer of said rebate-

claim-information to a second computer; and

receiving rebate-claim-status information from said second computer

after said second computer has processed and validated the rebate claim with

said rebate-claim-information, wherein said rebate-claim-status information is one of

real-time information or near real-time information, communicating said rebate-claim-

status information at the point of sale.

However, Quinlan et al. discloses initiating a data transfer of said rebate-claim-information to a second computer; and

receiving rebate-claim-status information from said second computer

after said second computer has processed and validated the rebate claim with said rebate-claim-information (see FIG. 3 and paragraph [0016] via validate the rebate).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add a manufacturer's rebate applies solely as a result of purchase of the product to the system of Wodka et al. in order to provide the customer with discounts at the time of purchase.

Postrel further discloses

rebate-claim-status information is one of real-time information or near real-time information, communicating said rebate-claim-status information at the point of sale (see Postrel on real-time uploading and redemption of rebates via para. [0067] The smart card may be utilized in a real-time interactive transaction between a user and a merchant at the point of sale. When a user presents the smart card to the POS terminal at the merchant, the terminal accesses the memory and/or firmware of the smart card and can execute one or more of several types of real-time transactions. The POS terminal may upload into the smart card memory one or more special offers, coupons (and reward points) that are based on the current transaction. For example, if a user is purchasing dog food, the POS terminal may upload dog food coupons to the smart card. These coupons may be good for the next visit with the merchant, or they may optionally instantly redeemable if desired).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add rebate-claim-status information is one of real-time information or near real-time information, communicating said rebate-claim-status information at the point of sale to the system of Wodka et al. in order to provide the customer with real-time rebates at the time of purchase vs mail-ins.

As per claims 36,

Wodka et al. does not explicitly disclose a rebate claim comprising generating at least one of (a) rebate status documentation comprising at least part of said rebate status information wherein said rebate status documentation is given to the customer at the point of sale and (b) a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale.

However Algiene discloses a first computer is further configured to generate at least one of (a) rebate status documentation comprising at least part of said rebate status information wherein said rebate status documentation is given to the customer at the point of sale and (b) a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale (see paragraph [0026] via status of rebate or printed on receipt).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale to the system of Wodka et al. in order to provide customers with a record of the rebate.

As per Claim 66:

Wodka et al. discloses a system for electronically making a claim for a

manufacturer's rebate that is provided by a manufacturer upon purchase of a product,

comprising:

means for receiving from an electronic reading device product-information stored

in an electronic tag physically connected with a purchased product at a point of sale of

the product, the product-information indicating product- identification-information (see

paragraphs [0017, 0021, 0029], FIG. 5 and claims 9, and 11).

Wodka et al. does not explicitly disclose means for acquiring rebate-claim-

information for making a claim for the manufacturer's rebate available to a customer

solely for purchase of the product using at least part of said product-identification-

information;

means for initiating a data transfer of said rebate-claim-information to a second

computer;

means for receiving rebate-claim-status information from said second computer

after said second computer has processed and validated said rebate claim with said

rebate-claim-information, wherein said rebate-claim-status information comprises one of

real-time information or near real-time information; and

means for communicating said rebate-claim-status information at the point of

sale.

However, Quinlan et al. discloses means for acquiring rebate-claim-information for making a claim for the manufacturer's rebate available to a customer solely for purchase of the product using at least part of said product-identification-information;

means for initiating a data transfer of said rebate-claim-information to a second computer (see FIG. 3 and paragraph [0016] via validate the rebate).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add means for acquiring rebate-claim-information for making a claim for the manufacturer's rebate available to a customer solely for purchase of the product using at least part of said product-identification-information; means for initiating a data transfer of said rebate-claim-information to a second computer to the system of Wodka et al. in order to provide the customer with discounts at the time of purchase.

Postrel further discloses

means for receiving rebate-claim-status information from said second computer after said second computer has processed and validated said rebate claim with said rebate-claim-information, wherein said rebate-claim-status information comprises one of real-time information or near real-time information; and

means for communicating said rebate-claim-status information at the point of sale (see Postrel on real-time uploading and redemption of rebates via para. [0067] The smart card may be utilized in a real-time interactive transaction between a user and a merchant at the point of sale. When a user presents the smart card to the POS terminal at the merchant, the terminal accesses the memory and/or firmware of the smart card

and can execute one or more of several types of real-time transactions. The POS

terminal may upload into the smart card memory one or more special offers, coupons

(and reward points) that are based on the current transaction. For example, if a user is

purchasing dog food, the POS terminal may upload dog food coupons to the smart card.

These coupons may be good for the next visit with the merchant, or they may optionally

instantly redeemable if desired).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add rebate-claim-status information is one of real-

time information or near real-time information, communicating said rebate-claim-status

information at the point of sale to the system of Wodka et al. in order to provide the

customer with real-time rebates at the time of purchase vs mail-ins.

As per Claim 67:

Wodka et al. discloses a computer-readable storage medium storing computer-

executable instructions, comprising:

instructions for receiving from an electronic reading device product-information

stored in an electronic tag physically connected with a purchased product at a

point of sale of the product, the product-information indicating product-identification-

information (see paragraphs [0017, 0021, 0029], FIG. 5 and claims 9, and 11).

Wodka et al. does not explicitly disclose instructions for acquiring rebate-claim-

information for making a claim for the manufacturer's rebate available to the customer

solely for purchase of the product using at least part of said product-identification-

information;

instructions for initiating a data transfer of said rebate-claim-information to a second computer;

instructions for receiving rebate-claim-status information from said second computer after said second computer has processed and validated said rebate claim with said rebate-claim-information, wherein said rebate-claim- status information comprises one of real-time information or near real-time information; and

instructions for communicating said rebate-claim-status information at the point of sale.

However, Quinlan et al. discloses instructions for acquiring rebate-claim-information for making a claim for the manufacturer's rebate available to the customer solely for purchase of the product using at least part of said product-identification-information;

instructions for initiating a data transfer of said rebate-claim-information to a second computer (see FIG. 3 and paragraph [0016] via validate the rebate).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add instructions for acquiring rebate-claim-information for making a claim for the manufacturer's rebate available to the customer solely for purchase of the product using at least part of said product-identification-information; instructions for initiating a data transfer of said rebate-claim-information to a second computer to the system of Wodka et al. in order to provide the customer with discounts at the time of purchase.

Postrel further discloses

instructions for receiving rebate-claim-status information from said second

computer after said second computer has processed and validated said rebate claim

with said rebate-claim-information, wherein said rebate-claim- status information

comprises one of real-time information or near real-time information; and

instructions for communicating said rebate-claim-status information at the point of

sale (see Postrel on real-time uploading and redemption of rebates via para. [0067] The

smart card may be utilized in a real-time interactive transaction between a user and a

merchant at the point of sale. When a user presents the smart card to the POS terminal

at the merchant, the terminal accesses the memory and/or firmware of the smart card

and can execute one or more of several types of real-time transactions. The POS

terminal may upload into the smart card memory one or more special offers, coupons

(and reward points) that are based on the current transaction. For example, if a user is

purchasing dog food, the POS terminal may upload dog food coupons to the smart card.

These coupons may be good for the next visit with the merchant, or they may optionally

instantly redeemable if desired).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add rebate-claim-status information is one of real-

time information or near real-time information, communicating said rebate-claim-status

information at the point of sale to the system of Wodka et al. in order to provide the

customer with real-time rebates at the time of purchase vs mail-ins.

4.   **Claims 10, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Wodka et al. (US 2003/0171984), in view of Quinlan et. al. (US 20040215514),

in view of Postrel (US 20050021400), and further in view of Packes, Jr. et al. (US

7,006,983).

    As per claims 10, 35 Wodka et al. does not explicitly disclose

rebate status information comprises at least one member from the group consisting of:

(a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied

code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and

(h) rebate check number.

    However Packes Jr, et al. discloses rebate status information comprises at least

one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate

claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e)

EFT transaction code; (g) <u>e-mail notice</u>; and (h) rebate check number (see col 15, lines

59-67.

    Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add notification to the system of Wodka et al. in

order to keep customers informed of rebate status.

5.   **Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wodka et al. (US 2003/0171984), in view of Quinlan et. al. (US 20040215514), in view of Postrel (US 20050021400), and further in view of Nguyen (US 2003/0220839).**

As per claim 22, Wodka et al. does not explicitly disclose a second remote computer is a portable customer computer in communication with at least one of said first computer and said first remote computer via a wireless communication connection.

However Nguyen discloses a second remote computer is a portable customer computer in communication with at least one of said first computer and said first remote computer via a wireless communication connection (see paragraph [0036] and FIG. 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add a second remote computer is a portable customer computer in communication with at least one of said first computer and said first remote computer via a wireless communication connection to the system of Wodka et al. in order to promote wireless transactions.

6.   **Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wodka et al. (US 2003/0171984), in view of Quinlan et. al. (US 20040215514), in view of Postrel (US 20050021400), and further in view of McCarthy (US 5,202,826).**

As per claim 24, Wodka et al. does not explicitly disclose that a first computer is further configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate.

However McCarthy discloses an electronic consumer rebate having a first

computer configured to initiate an electronic fund transfer from a first bank account into

a second bank account in the amount of the rebate (see Column 2, lines 1-30).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add a first computer is further configured to initiate

an electronic fund transfer from a first bank account into a second bank account in the

amount of the rebate to the system of Wodka et al. in order to allow customers to have

their cash incentives deposit to their bank accounts.

7.   **Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

Wodka et al. (US 2003/0171984), in view of Quinlan et. al. (US 20040215514), in

view of Postrel (US 20050021400), and further in view of Scroggie et al. (US

6,185,541).

As per claims 26, Wodka et al. does not explicitly disclose

said first or second computer is configured to transmit an electronic mail message to a

predefined electronic mail address wherein said electronic mail message contains at

least part of said rebate-claim-status information.

However Scroggie et al. discloses said first or second computer is configured to

transmit an electronic mail message to a predefined electronic mail address wherein

said electronic mail message contains at least part of said rebate-claim-status

information (See Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add said first or second computer is configured to

transmit an electronic mail message to a predefined electronic mail address wherein

said electronic mail message contains at least part of said rebate-claim-status

information to the system of Wodka et al. in order to promote communication with

customers electronically.

.

8.   **Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

Wodka et al. (US 2003/0171984), in view of Quinlan et. al. (US 20040215514), in

view of Postrel (US 20050021400), and further in view of Lane al. (US 7,221,258).

> **As per claim 32**, Wodka et al. does not explicitly disclose product-identification-
>
> information

comprises at least one member from the group consisting of: (a) product model number;

(b) product serial number; (c) rebate promotion code; (d) product name; (e) identification

code; (f) proof-of-purchase code; and (g) an electronic address; and (f) a URL link.

> However Lane et al. discloses product-identification-information

comprises at least one member from the group consisting of: (a) product model number;

(b) product serial number; (c) rebate promotion code; (d) product name; (e) identification

code; (f) proof-of-purchase code; and (g) an electronic address; and (f) a URL link (see

col 3, lines 50-60).

> Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add identification code to the system of Wodka et al.

in order to promote ease of management of the product that are part of the rebate

marketing campaign.

9.   **Claims 68, 72, and 73 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Wodka et al. (US 2003/0171984), in view of Nguyen (US

2003/0220839), in view of Banerjee et al. (US 20030130890), and further in view of

Postrel (US 20050021400).

        As per claim 68:

Wodka et al. discloses a method performed by a computer system having a

processor, comprising:

        determining by the computer system that a consumer is interested in a product

(see paragraph [0035, 0036] via item of interest to the consumer).

        Wodka et al. does not explicitly disclose transmitting to a second computer

associated with a representative of a manufacturer of the product an identification of the

product; receiving from the second computer a first rebate for the product;

        transmitting to a third computer information indicative of the product, a first price

for the product wherein the first price accounts for the first rebate, and a second price

wherein the second price is a price for a competitor's product, wherein the third

computer is associated with a representative of a manufacturer of a competitive

product; and receiving from the third computer a second rebate for the competitor's

product;

        transferring to the third computer rebate-claim-information wherein the transfer

occurs substantially contemporaneously with a purchase of the product;

and the third computer is configured to process and validate a rebate claim with

the rebate-claim-information, and transfer rebate-claim-status information to the

computer system, and

communicating the rebate-claim-status information to the consumer, wherein the

rebate-claim-status information is one of real-time information or near real-time

information.

However Nguyen discloses

transmitting to a second computer associated with a representative of a

manufacturer of the product an identification of the product; receiving from the second

computer a first rebate for the product

(see Nguyen FIG. 1 and para. [0033] via the consumer may request a rebate

from the discount purchase service or directly from the manufacturer. The rebates are

obtained through a recognition step using either the wireless communication device of

the consumer, or an identification or smart card. This communication preferably

includes a pictorial representation of a printed coupon showing the item price and

discount thereon. .. Such pictorial representations may be displayed on the wireless

communication device so that the consumer sees the discount coupon in its customary

form as it might appear as a printed paper coupon (see FIG. 3C). Alternately, the

information may be placed in a smart (memory on board) card via Internet

communications to a card reader/writer. .. At the point of purchase, the consumer

transmits a service identification code, item specification, price and discount information

which corresponds to the selected coupon, and may be done via wireless or wire interconnection with a high degree of automation. Also, as shown in FIG. 2 a smart type card may be scanned to pick-up this information).

Banerjee further discloses

transmitting to a third computer information indicative of the product, a first price for the product wherein the first price accounts for the first rebate, and a second price wherein the second price is a price for a competitor's product, wherein the third computer is associated with a representative of a manufacturer of a competitive product; and receiving from the third computer a second rebate for the competitor's product

(see FIG. 1, 3 and 4 and para. [0007] the invention provides a method of resetting the value of a coupon (as a result of assessing competitors). .. The retailer may be the manufacturer and [0023] via Field 16 "Competitor #2 coupon value" 56 may contain the discount coupon value for the comparable product from the second closest competitor).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add transmitting to a second computer an identification of the product; receiving from the second computer a first rebate for the product; transmitting to a third computer information indicative of the product, a first price for the product wherein the first price accounts for the first rebate, and a second price wherein the second price is a price for a competitor's product; and

receiving from the third computer a second rebate for the competitor's product to the

system of Wodka et al. in order to ensure consumers get the benefit of the lowest price.

> Postrel further discloses
>
> transferring to the third computer rebate-claim-information wherein the transfer
>
> occurs substantially contemporaneously with a purchase of the product;
>
> and the third computer is configured to process and validate a rebate claim with

the rebate-claim-information, and transfer rebate-claim-status information to the

computer system, and

communicating the rebate-claim-status information to the consumer, wherein the

rebate-claim-status information is one of real-time information or near real-time

information

(see Postrel for the interplay among a user's computer (1st), a merchant (2nd computer),

and a trading server (3rd computer) / database 54 in real time via FIG. 4 and para.

transferring to the third computer rebate-claim-information wherein the transfer occurs

substantially contemporaneously with a purchase of the product; and the third computer

is configured to process and validate a rebate claim with the rebate-claim-information,

and transfer rebate-claim-status information to the computer system, and

communicating the rebate-claim-status information to the consumer, wherein the

rebate-claim-status information is one of real-time information or near real-time

information).

As per claim 72:

Wodka et al. discloses the determining includes identifying the product based on an electronic tag (see paragraph [0035] and FIG. 5 via tag being read by RFID reader).

As per claim 73:

Wodka et al. discloses the electronic tag is an RFID tag (see paragraph [0035] and FIG. 5 via tag being read by RFID reader).

10.   **Claims 70, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wodka et al. (US 2003/0171984), Nguyen (US 2003/0220839), in view of Banerjee et al. (US 20030130890), in view of Postrel (US 20050021400), and further in view of Treyz et al. (US 6587835).**

As per claim 70:

Wodka et al. does not explicitly disclose transmitting to the second computer a second price and receiving from the second computer a third rebate for the product.

However, Treyz et. al. discloses transmitting to the second computer a second price and receiving from the second computer a third rebate for the product (see col 14, lines 57-67 via seller matching the lowest price of competitors (other sellers)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add transmitting to the second computer a second price and receiving from the second computer a third rebate for the product to the system of Wodka et al. in order to ensure consumers purchase a seller's product.

As per claim 71:

Wodka et al. does not explicitly disclose a sum of the first price and the third

rebate is less than or equal to a sum of the second price and the second rebate.

However, Treyz et. al. discloses a sum of the first price and the third rebate is

less than or equal to a sum of the second price and the second rebate (see col 14, lines

57-67 via seller matching the lowest price of competitors (other sellers)).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add a sum of the first price and the third rebate is

less than or equal to a sum of the second price and the second rebate to the system of

Wodka et al. in order to ensure consumers purchase a seller's product.

Response to Arguments

11.   The applicant's arguments are moot in light of the new grounds of rejection

above. The Applicant's arguments on pages 12 and 13 have been considered and are

found to be unpersuasive. Quinlan specifically meets the claim language of claim 1

pertaining to a first and second computer enabling a consumer to receive a

manufacturer's rebate. See for example, the transaction serial number is recorded in a

point-of-sale data processing and storage system and recorded on a receipt issued to

the consumer. The rebate processing method comprises providing a designated site

connected to a global computer information network and accessible by the consumer.

A rebate claim is received on the designated site, the rebate claim comprising (i) at least

one transaction serial number corresponding a qualified transaction, and (ii) identifying

information corresponding to the consumer. .... the value of the rebate claim is

transferred to the consumer. The designated site may be accessible to the consumer

by a computer connected to the global computer information network. See also Quinlan

para. 20 and 21 for real-time rebate crediting. Regarding the arguments concerning

Postrel on page 13, see FIG 4 which consists of merchants, consumer and a centralized

trading server along with database 54.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP §

706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR

1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Rodney M. Henry whose telephone number is 571-270-

5102. The examiner can normally be reached on Tuesday through Friday from 7:30am

to 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Namrata Boveja can be reached on 571-270-8105. The fax phone number

for the organization where this application or proceeding is assigned is 571-270-6102.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RMH/

/Arthur Duran/
Primary Examiner, Art Unit 3682